

DANIEL J. BERGESON, Bar No. 105439  
[dbergeson@be-law.com](mailto:dbergeson@be-law.com)  
MELINDA M. MORTON, Bar No. 209373  
[mmorton@be-law.com](mailto:mmorton@be-law.com)  
MICHAEL W. STEBBINS, Bar No. 138326  
[mstebbins@be-law.com](mailto:mstebbins@be-law.com)  
COLIN G. MCCARTHY, Bar No. 191410  
[cmcarthy@be-law.com](mailto:cmcarthy@be-law.com)  
BERGESON, LLP  
303 Almaden Boulevard, Suite 500  
San Jose, CA 95110-2712  
Telephone: (408) 291-6200  
Facsimile: (408) 297-6000

Attorneys for Plaintiff  
VERIGY US, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;  
WESLEY MAYDER, an individual; SILICON  
TEST SYSTEMS, INC., a California Corporation;  
and SILICON TEST SOLUTIONS, LLC, a  
California Limited Liability Corporation,  
inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF COLIN G.  
MCCARTHY IN SUPPORT OF  
PLAINTIFF'S ADMINISTRATIVE  
MOTION FOR LEAVE TO FILE  
DOCUMENTS UNDER SEAL**

Judge: Honorable Howard R. Lloyd  
Ctrm: 2

Complaint Filed: August 22, 2007  
Trial Date: None Set

AND RELATED CROSS-ACTIONS

1 I, Colin G. McCarthy, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of  
3 California. I am an associate with the law firm of Bergeson, LLP, counsel of record for Plaintiff  
4 Verigy US, Inc. ("Verigy" or "Plaintiff") in the above-captioned action. I have personal  
5 knowledge of the facts set forth in this declaration, and, if called to do so, I could and would  
6 competently testify thereto.

7 2. I submit this declaration in support of Verigy's Administrative Motion for Leave to  
8 File Document Under Seal.

9 3. I have reviewed the following materials ("the Materials"):

10 (a) Exhibits A-F and H-I of the Michael W. Stebbins Declaration In  
11 Support Of Verigy's Motion For Protective Order Relieving Verigy  
12 Of Duty To Respond Further To Second Amended Notice Of Rule  
13 30(B)(6) Deposition Propounded By Defendants.

14 4. I have determined that these Materials (hereafter "the Materials") each disclose  
15 information that has been designated as "Highly Confidential—Attorneys' Eyes Only"  
16 (Documents 1-5) or "Confidential" (Document 6) by Verigy because they contain confidential,  
17 proprietary and trade secret information relating to Verigy's design specifications, technical  
18 procurement processes; research regarding customer device requirements; block diagrams; product  
19 development and strategic plans, product strategy; forecasted business demand; actual product  
20 consumption; business processes and tools; product technology roadmaps; product features and  
21 performance; product architecture; product development schedules; qualification processes and  
22 results; contract manufacturer agreements and business relationship; inventions; provisional patent  
23 applications; and future manufacturing strategies (collectively, the "Trade Secrets").

24 5. The confidentiality interest of the parties therefore overcomes the right of public  
25 access to the record, as a substantial probability exists that the parties' overriding confidentiality  
26 interest will be prejudiced if the record is not sealed. Further, the proposed sealing is narrowly  
27 tailored and no less restrictive means exist to achieve this overriding interest.

28 I declare under penalty of perjury under the laws of the United States of America that the

1 foregoing is true and correct and that this declaration was executed this 25th day of August, 2008  
2 at San Jose, California.

3  
4 \_\_\_\_\_ /s/  
Colin G. McCarthy  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28